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tions on feudalism described on pp. 161-163, for instance, where they do not need to be modified in statement, are characteristic in greater or less degree of almost every feudal state, and the only peculiarity of England is that which is due to the stronger kingship. When the English constitution is put completely into these relations another step forward in its understanding will be taken.

The lectures were constructed on the plan of what may be called cross-sections at five important points of the history of the constitution: 1307; 1509; 1625; 1702; and 1887. These are not, however, mere cross-sections. They are points from which the view especially runs back over the past and observes growth and change, but where also the lines of connection with the future are made plain. On the general constitutional history of these periods after the first, disregarding the narrower history of the law, Maitland did not write again so fully as here. These portions of the book have, therefore, a peculiar value and are especially welcome. They show abundantly the peculiarities of Maitland's work in his especial field: a sure discernment of the really essential, lucid statement, fresh interpretation, and stimulating views.

Regarded as a text-book Maitland's *History of the Constitution* will fall into a class with Medley, not with Taswell-Langmead. It will be likely to strike the student as a history of the development of details, of separate institutions, rather than of the constitution as a whole. If he gains from its study any clear conception of the historical building up of the Anglo-Saxon type of government, as that has come to prevail in the world, he will get it from the supplementary work of the teacher rather than from the book. For the study of this side of constitutional history Taswell-Langmead still remains the best text-book, notwithstanding the inadequate editing it has received. It needs to be supplemented with some other book, however, and Maitland will probably make a better combination with it, one less difficult for the ordinary undergraduate to manage, than Medley. It will also be surprising if it is not found to be more interesting to the student than either of the other books. Certainly the instructor can further the interests of future scholarship in no better way than by making his advanced students familiar with this book.

GEORGE B. ADAMS.

Die Geschichte des Englischen Pfandrechts. Von Dr. jur. HAROLD DEXTER HAZELTINE, Reader in English Law an der Universität Cambridge. [Untersuchungen zur Deutschen Staats- und Rechtsgeschichte, herausgegeben von Dr. OTTO GIERKE, Professor der Rechte an der Universität Berlin.] (Breslau: M. and H. Marcus. 1907. Pp. xxviii, 372.)

THIS valuable and scholarly work on the English law of gage or pledge represents the gathering together and presentation in comprehensive form of several articles and monographs in English and Ger-

man, together with much new material, by Dr. Hazeltine as a contribution to Gierke's well-known series of research works on German governmental and legal history. As the work is intended for German rather than English readers the more special discussion of the English *Pfandrechts* is prefaced by an interesting general survey of the governmental, economic and legal background of English medieval law. This survey concludes with a discussion of the growth of the law of personal and proprietary actions and of real and movable property, together with a brief summary of the sources and literature of medieval and early modern English law. There are also two brief chapters explaining the terminology of English *Pfandrechts* as derived from the sources.

The main portion of the treatise consists of a detailed examination of the origin and growth of the pledge or gage idea and of its various and complex applications in later procedure in England. The subject-matter is arranged in two books, the first covering the Anglo-Saxon period and the second the period from the Norman Conquest to the close of the Middle Ages. The first part of book I. consists of a careful and painstaking discussion of the formal oath or pledge, with or without some security, as found in Anglo-Saxon society. Following this in the second part of book I. is an extended account of the Anglo-Saxon law and practice in regard to movable property as pledges, while the third and concluding part takes up the gage of land before the Conquest under the two main heads of usufruct-gage (*Nutzpfand*) and property-gage (*Proprietätspfand*). In book II. dealing with the later medieval period of English legal development a more extended treatment is given of the formal oath and pledge of faith, and the early development of the law in regard to debt and contract is noticed under the chapter headings of Simple Contract and Contract under Seal. Parts II. and III. of book II. take up the law of movable gages and of the gage of land. Emphasis is placed on the growth of various forms of the gage and in particular on the origin and development of the "Hypothek" or mortgage principle by which the land gaged for a loan is left in possession of the debtor until default is made. This is regarded by Dr. Hazeltine as of later origin than the gage with immediate possession to the creditor, and he traces the history of this form of security from the early "Jewish Gage" in England through the statute law and recognizances to the modern law of mortgages. The excellent organization of the whole work gives unity and force to the author's conclusions that in the medieval law of usufruct-gage and property-gage is to be found those principles of security that govern the law of mortgages to-day.

As an appendix to the work there is a collection of source extracts illustrative of the gage of land in medieval England. There is also an excellent bibliography and index. One is surprised, however, that nowhere in the work is to be found mention of Dr. Gross's *Sources and*

Literature of English History which has been out now for some seven or eight years.

N. M. TRENHOLME.

The Making of Ireland and its Undoing, 1200-1600. By ALICE STOPFORD GREEN. (London: Macmillan and Company. 1908. Pp. xvi, 511.)

THIS is a refreshing book. Among the many woes of unfortunate Ireland not the least has been the character of her historians. The patient, moderate, judicious, learned historian has for the most part simply passed poor Ireland by.

Signs have not been wanting lately that this period of neglect or mistreatment is approaching its close, and that the history of Ireland may receive as serious attention as that of other countries. Toward this consummation Mrs. Green's book is another step. Its principal contents are a vast number of quotations from contemporary sources describing the considerable development of Irish agriculture, trade, manufactures, and intellectual and artistic life in the Middle Ages, and the decay and destruction of these, due to the policy and the wars of the Tudor sovereigns, in the sixteenth century. The fifteenth century, a period which the English historians have generally treated as a specially dark age in Irish history, since it was the age when English power in Ireland was at its lowest ebb, is looked upon by Mrs. Green as a period of culmination of many elements of a truly native civilization. The relations of Ireland, economic and intellectual, were largely with the continent of Europe rather than with England. Many Irish chieftains who had no knowledge of the English language and were therefore looked upon by their conquerors as barbarians, nevertheless were well trained in Latin, and often spoke French or Spanish as well. More Irish scholars studied and travelled on the Continent than in England. An interesting list is given of translations from Latin, French, Spanish and English into Irish. It is also of extreme interest to get the glimpse we do of the relations of Irish chieftains and merchants with the Continent along commercial lines, and of the ancient *aonachs*, half-political gatherings, half-provincial fairs. A much more favorable comparison of the Irish land and judicial systems with the English is here made than that which has been most usual. The quotations from Irish patriot-bards and singers of the country's sorrows are most impressive.

No one can read the statements of Mrs. Green and the contemporary records on which they are based without the feeling that the native resources and achievements of Ireland belong on a much higher plane than they have been traditionally placed; and that the ignorant, selfish and generally inept policy of England in the sixteenth century brought about vast misery and permanent loss to Ireland and the world. Nevertheless, one may not agree—the cautious scholar certainly will not agree—with the author in her extreme estimate of these same achievements